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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,819	10/29/2001	Volker Paul	5551	5425
6858	7590	11/18/2004	EXAMINER	
BREINER & BREINER 115 NORTH HENRY STREET P. O. BOX 19290 ALEXANDRIA, VA 22314			ABRISHAMKAR, KAVEH	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/937,819	PAUL ET AL.
	Examiner	Art Unit
	Kaveh Abrishamkar	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 October 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

1. This action is in response to the communication filed on October 29, 2001. Claims 1 – 16 were originally received for consideration. No preliminary amendments for the claims have been received. Claims 1 – 16 are currently being considered.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

3. Claims 5 – 12 and 16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims 5 - 12 were interpreted as being dependent on claim 1, while claim 16 is interpreted as being dependent on claim 12.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gruse et al. (U.S. 6,389,538).

Regarding claim 1, Gruse discloses:

A device for secure transmission respectively forwarding of coded data via a data station of a network, having:

an input unit for receiving said coded data and an external key (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21, column 35 lines 33 - 39);

a unit for decoding said coded data with an internal key and recoding said data with said external key, with said internal key not being accessible from outside said device (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21); and

an output unit for issuing said data encoded with said external key (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, wherein said internal key is stored on a suited data carrier inside said unit for decoding and encoding (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, wherein said unit for decoding and encoding comprises a chip card as said carrier of said internal key (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, wherein said unit for decoding and encoding comprises an active chip card with an integrated processor, which partly or completely assumes the decoding and encoding of said data (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, wherein said device is provided with a buffer and logic unit for temporal control of data flow in said device, said buffer and logic unit first conveys said coded data for decoding to said unit for decoding and encoding and

receives said data block decoded, and said buffer and logic unit subsequently conveys said decoded data for encoding with said external key to said unit for decoding and encoding and receives it back as coded data (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21, column 41 lines 1 – 35).

Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, wherein said input unit and said output unit are provided with standard interfaces for the input and output of said data (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, wherein said unit for encoding and decoding utilizes asymmetrical encoding processes (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, wherein said device is provided with a complete mechanical and electromagnetic encapsulation and with a possibility of sealing (Figure

6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, wherein a buffer unit is provided which buffers all the data flows inside said device to compensate for possible internal-key-dependent processing times so that the data output of said device occurs according to a process-independent time span (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21, column 41 lines 10 – 17).

Claim 10 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, wherein a unit is provided for buffering the current input of said device in such a manner that said current input of said device is independent of the current input of said unit for decoding and encoding, which is dependent on said internal key, or of other internal circuits (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21, column 41 lines 10 - 17).

Claim 11 is rejected as applied above in rejecting claim 1. Furthermore, Gruse discloses:

A device according to claim 1, which is further provided with a unit for receiving a first data block containing said coded data in addition to further data and for separating said coded data from said further data and with a unit for joining said further data with the recoded data to a second data block and for the output of said second data block, with said encoded data representing a key which said further data are encoded (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Regarding claim 12, Gruse discloses:

A process for secure data transmission from a first data station via a second data station to a third data station using the device according to claim 1, having the following steps:

encoding of the data in first data station with a first key (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21);

encoding at least a part of said first key in said first data station with a public key of said second data station (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21);

transmission of said coded data together with the coded part of said first key to said second data station (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column

19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21);

storage of said coded data and of said coded part of said first key in said second data station (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21);

request of said data by said third data station (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21);

decoding of said coded part of said first key with a private key of said second data station matching said public key and recoding of the previously decoded part of said first key with a public key of said third data station (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21); and

transmission of said coded data together with said recoded part of said first key to said third data station (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 13 is rejected as applied above in rejecting claim 12. Furthermore, Gruse discloses:

A process according to claim 12, whereby said first key is completely encoded and transmitted (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 14 is rejected as applied above in rejecting claim 12. Furthermore, Gruse discloses:

A process according to claim 12, whereby only a part of said first key is encoded and transmitted to said second data station (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 15 is rejected as applied above in rejecting claim 12. Furthermore, Gruse discloses:

A process according to claim 12, whereby said coded part of said first key is decoded in said third data station with said private key of said third data station and subsequently said data are decoded with said first key (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Claim 16 is rejected as applied above in rejecting claim 12. Furthermore, Gruse discloses:

A process according to claim 12, whereby said public key of said third data station is taken from an internal data bank of said second data station or is determined by consultation with a trust center (Figure 6, column 13 lines 45 – 63, column 18 line 20 – column 19 line 25, column 25 line 1 – column 26 line 51, column 28 line 44 – column 30 line 21).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
11/12/04


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100